

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

<b>GIRLIS HUGH SERRATT,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 5:18-CV-959-CLS-HNJ</b>
	)	
<b>BOB RILEY, <i>et al.</i>,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM OPINION**


The magistrate judge filed a report on May 14, 2019, recommending this action be dismissed without prejudice, pursuant to 28 U.S.C. § 1915A(b)(1), for failing to state a claim upon which relief can be granted. (Doc. 10). Plaintiff filed objections to the report and recommendation on May 28, 2019. (Doc. 11). Plaintiff concedes that the confiscation of his legal material had no adverse effect on his state court efforts to attack his conviction but contends that it adversely affected the habeas corpus actions filed in this court. (*Id.* at 3-4). However, as noted in the magistrate judge's report and recommendation, those actions were dismissed on timeliness and successiveness grounds, not on the underlying merits. Plaintiff's objections are therefore without merit.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, and the objections thereto, the

magistrate judge's report is hereby **ADOPTED** and the recommendation is **ACCEPTED**. Therefore, in accordance with 28 U.S.C. § 1915A(b)(1), this action is due to be dismissed without prejudice for failing to state a claim upon which relief can be granted.

A final judgment will be entered.

DONE this 11th day of June, 2019.

  
\_\_\_\_\_  
United States District Judge